



U.S. DEPARTMENT of STATE

Turkmenistan

Country Reports on Human Rights Practices - [2004](#)

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Turkmenistan is an authoritarian, one-party state dominated by President-for-life Saparmurat Niyazov who exercised power by retaining his monopoly on political power and on the Democratic Party, the only legally recognized political party in the country. Niyazov has been President since independence in 1991, and legally may remain in office until 2010. In August 2003, Niyazov was elected by the Halk Maslahaty (People's Council) to a life term as its Chairman, giving him a substantial say in the selection of any presidential successor. Government efforts continued to focus on fostering centralized state control and the glorification of the President. The 50 member unicameral Parliament (Mejlis) has no genuinely independent authority; in August 2003, the Peoples' Council replaced it as the supreme legislative body. The judiciary was not independent and was under the control of the President. The Ministry of National Security (MNB), formerly the Committee on National Security (KNB), had primary responsibility to ensure that the Government remained in power through tight social controls and suppressing dissent. The Ministry of Internal Affairs (MVD) directed the criminal police, which worked closely with the MNB on matters of national security. The civilian authorities maintained effective control of the security forces. Members of the security forces committed numerous human rights abuses.

The country's economy was centrally planned under government control. The population was estimated at over 6 million. The estimated growth rate was 9.7 percent for 2003. The unemployment rate was estimated at 50 percent in urban areas and 70 percent in the rural areas. The Turkmen National Institute of Statistics estimated that 25 percent of the workforce was in agriculture and 58 percent was in the public sector, including government-run farming associations. Wages often were not paid for months.

The Government's human rights record remained extremely poor, and the Government continued to commit serious abuses. Authorities severely restricted political and civil liberties and citizens did not have the ability to change their government. Security forces killed six persons trying to cross the border from Iran, and there were reports that several prisoners died in custody due to denial of medical treatment. Torture and mistreatment of detainees and prisoners were serious problems. The denial of access to prisoners of family, legal counsel, the International Committee of the Red Cross (ICRC), or any other international observers was a serious problem. Criminal police and MNB impunity was a serious problem. Arbitrary arrest, incommunicado detention, and prolonged detention were serious problems. Denial of due process and fair trial was a problem. The Government held at least one political prisoner. The Government continued to arbitrarily interfere with privacy, home, and correspondence. The Government restricted freedom of speech and did not permit freedom of the press. The Government restricted freedom of assembly and association. All opposition political activity was banned. The Government continued to restrict religious freedom. During the year, freedom of movement improved when the Government repealed the exit visa requirement; however, the Government maintained a blacklist of individuals not permitted to travel abroad. No domestic human rights groups existed. Violence against women and child labor continued to be problems. Government discrimination against minorities was a problem. The Government also restricted labor rights by not permitting strikes or free association of employees.

RESPECT FOR HUMAN RIGHTS

Section 1

Respect for the Integrity of the Person, Including Freedom From:

a. Arbitrary or Unlawful Deprivation of Life

There were no reports of political killings; however, during the year border guards shot and killed six persons who the Government claimed were illegally attempting to cross the border from Iran.

During the year, there were reports that some prisoners died due to malnutrition and untreated illnesses as a result of authorities withholding food and medical care (see Section 1.c.).

b. Disappearance

There were no reports of politically motivated disappearances.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

The Constitution prohibits such practices; however, there were credible reports that security officials tortured, routinely beat, and used excessive force against criminal suspects, prisoners, and individuals critical of the Government.

In January, members of the MNB forcibly abducted and beat an associate of a Radio Free Europe/Radio Liberty (RFE/RL) correspondent. The assailants repeatedly beat the man, threatened to kill him, and demanded that he cease contact with foreigners. No investigation was opened into the incident.

On April 30, Moscow-based Memorial Human Rights Center reported members of the MNB brutally beat Moscow-based RFE/RL correspondent and executive director of the human rights organization, Turkmen ili, Mukhametgeldy Berdyew. Berdyew suffered broken ribs, a concussion, partial loss of vision, and bruising. His apartment was ransacked, as was that of his son. The incidents took place in Moscow.

There were credible reports that former government officials and others imprisoned for various alleged crimes, including those implicated in the November 2002 armed attack against the President, were singled out for harsh treatment. An international NGO reported in 2003 that authorities drugged and tortured more than 100 of those arrested after the 2002 attack. According to the same NGO and other local sources, security officials suffocated some to the point of unconsciousness, beat them, and subjected them to electric shock torture and injections of psychotropic substances to coerce confessions during interrogations.

Local sources reported that authorities detained and threatened relatives of those implicated in the November 2002 attack to coerce confessions and limit their contact with foreigners. Many of these relatives were placed on the "black list" and were prevented from traveling outside of the country.

In February, retired citizen Gurbandurdy Durdykuliev was forcibly detained in a psychiatric hospital after requesting permission from authorities to conduct a peaceful demonstration against the policies of President Niyazov (See Section 2.a.).

Government opponents reported that former high-level officials were denied proper medical treatment and suffered beatings while in detention. In 2003, government opponents outside of the country claimed that prisoners needing medical treatment were beaten on their way to and from the hospital. Security forces also used denial of medical treatment and food, verbal intimidation and placement in unsanitary conditions to coerce confessions.

Members of minority religions claimed that law enforcement officers tortured and otherwise abused their members (see Section 2.c.). Three Jehovah's Witnesses remained imprisoned as conscientious objectors at year's end and were subject to regular beatings (see Section 5).

There was no action taken in the following 2003 cases: The March detention, beating, and injuring of a person suspected of buying a forged passport, the July reported detention, torture, and severe injuring of five relatives or associates of Saparmurat Yklymov, and the November abduction and beating of a local correspondent by suspected MNB officers.

Conditions were poor in prisons, which were unsanitary, overcrowded, unsafe, and posed a threat to life. Disease, particularly tuberculosis, was rampant. The Turkmenistan Helsinki Foundation, an opposition website, reported that of the 9,000 prisoners released in 2003, many had tuberculosis and were released untested and untreated into the general population. Nutrition was poor and prisoners depended on relatives to supplement inadequate food supplies. Prisoners convicted for treason were unable to receive food or sundries from relatives.

Some prisoners died due to the combination of overcrowding, untreated illnesses, and lack of adequate protection from the summer heat.

Prisoners amnestied in 2003 swore an oath of allegiance to the "Rukhnama," President Niyazov's 2001 spiritual guidebook on the country's culture and heritage (see Section 2.c.). Prisoners who refused to swear this oath were beaten.

There were three types of prisons throughout the country: Educational-labor colonies, correctional-labor colonies, and prisons. Some prisoners, usually former government officials, were sent into internal exile. In the correctional-labor colonies, relatives of prisoners reported excessive periods of isolation of prisoners in cells and "chambers." Authorities allegedly threatened, harassed, and abused minority religious prisoners in an attempt to force them to renounce their faiths (see Section 2.c.). In Gyzylgaya prison, located in the Karakum Desert, prisoners were forced to work in a kaolin mine under hazardous and unhealthy conditions (see Section 6.c.).

Men were held separately from women, and juveniles were held separately from adults. Pretrial detainees usually were held separately from convicted prisoners in detention centers. Prisoners held in connection with the November 2002 attack were reportedly held separately at the Ovadan Depe prison.

Government officials refused to respond to inquiries from family members and diplomats about prisoners' whereabouts or physical conditions. Government officials also refused to allow family members, foreign diplomats, or international observers, including the ICRC, to visit detainees or prisoners associated with the November 2002 attack. In May, however, the President made public comments that representatives of the international community would be welcome to visit prisons in the country. The Government held preliminary discussions with the ICRC regarding access.

d. Arbitrary Arrest or Detention

The Constitution and law prohibit arbitrary arrest and detention; however, arbitrary arrest and detention were serious problems.

The MNB's primary responsibility was ensuring the Government remained in power. The MNB exercised wide discretion over issues such as exit visas and Internet access. The MNB also worked to limit personal freedoms. The MVD directed the criminal police, who worked closely with the MNB on matters of national security. The Minister of the MNB did not formally supervise other ministries; however, the MNB exercised control over personnel changes in other ministries and enforced presidential decrees. Both the MNB and criminal police operated with impunity. The Government rarely investigated allegations of abuse and did not hold members of the security forces accountable for abuses. Corruption was widespread in the security forces.

A warrant is not required for an arrest. The Chairman of the Cabinet of Ministers, a position held by the President, has sole authority for approving arrest warrants. Authorities could detain individuals for 72 hours without a formal arrest warrant, but legally had to issue a formal bill of indictment within 10 days of arrest to hold detainees longer; however, these provisions were not always adhered to in practice.

Those expressing views critical of or different from those of the Government were arrested on charges of economic crimes against the state and various common crimes (see Section 2.a.).

In February, two men were arrested for allegedly smuggling books into the country. They were sentenced to 5 years probation and released in March.

In April and May, Dunya Yklimova Mahtimagamedova, a relative of one of the convicted 2002 coup plotters, was repeatedly detained by security forces, forcibly removed from her house, and accused of supporting regime opponents.

Detainees were entitled to immediate access to an attorney once a bill of indictment had been issued; however, in practice they were not allowed prompt or regular access to legal counsel. Incommunicado detention was a problem. Authorities denied some prisoners visits by family members during the year. Families sometimes did not know the whereabouts of their imprisoned relatives (see Section 1.c.).

The law characterizes any opposition to the Government as an act of treason. Those convicted faced life imprisonment and were ineligible for amnesty or reduction of sentence. By the end of 2003, approximately 50 to 60 persons were arrested or convicted under the law.

Representatives of minority religions claimed that law enforcement officers forcibly detained their members throughout the year (see Section 2.c.).

The Government widely used house arrest, without due process, to control regime opponents and to prevent citizens from meeting with visiting foreign diplomats. During the year, relatives of those suspected in the November 2002 armed attack remained under house arrest.

Some of the 100 individuals placed under house arrest in March 2003, to prevent them from meeting with the visiting Organization for Security and Cooperation in Europe (OSCE) Chairman-in-Office, remained under house arrest, others' movement was restricted to the regions of their residence.

The exact location of over 50 prisoners being held in connection with the November 2002 attack remained unknown at year's end. There were unconfirmed reports they were being held at a new secret prison outside of Ashgabat; there were also unconfirmed reports of abuses.

The law provides that a person accused of a crime may be held in pretrial detention for no more than 2 months, which in exceptional cases may be extended to 1 year. In practice, authorities often exceeded these limits. Opposition groups and international organizations, such as Amnesty International (AI), claimed the Government held many political detainees, although the precise number was unknown. Several hundred relatives and associates of those implicated in the November 2002 attack were held without charge for their perceived political opinions and possible involvement in the attack.

Geldy Kyarizov, who was arrested in 2002 for numerous crimes reportedly because of his disagreements with President Niyazov's policies, remained in detention at year's end. His family was able to visit him in detention.

In August, the Government released a revised Criminal Procedure Code that could significantly alter the 1961 Soviet code, still in force. The proposal incorporated rights of the accused—including the introduction of the presumption of innocence, restraints on police searches, establishment of a bail mechanism, and limits on pretrial detention. The proposal was pending at year's end.

In 2003, numerous former ministers and government officials were dismissed from their positions, sent into internal exile, and remained under house arrest (see Section 2.d.).

e. Denial of Fair Public Trial

The Constitution provides for an independent judiciary; however, in practice the judiciary was not independent. The President's power to select and dismiss judges subordinated the judiciary to the Presidency. The President appointed all judges for a term of 5 years. There was no legislative review of these appointments, except for the Chairman (Chief Justice) of the Supreme Court who was reviewed by the rubber stamp Mejlis. The President has the sole authority to dismiss all appointees before the completion of their terms.

The court system consists of a Supreme Court, 6 provincial courts (including 1 for the city of Ashgabat), and, at the lowest level, 61 district and city courts. Criminal offenses committed by members of the armed forces are tried in civilian courts under the authority of the Office of the Prosecutor General.

The law provides for the rights of due process for defendants, including a public trial, access to accusatory material, the right to call witnesses to testify on their behalf, a defense attorney, a court-appointed lawyer if the defendant could not afford one, and the right to represent oneself in court; however, in practice, authorities often denied these rights, and there were few independent lawyers available to represent defendants. At times, defendants were not allowed to confront or question witnesses against them. Defendants and their attorneys sometimes were denied access to government evidence against them. Frequently defendants did not enjoy a presumption of innocence. Even when due process rights were observed, the authority of the government prosecutor far exceeded that of the defense attorney, and it was very difficult for the defendant to receive a fair trial. Lower courts' decisions could be appealed, and the defendant could petition the President for clemency.

Courts allegedly ignored allegations of torture that defendants raised in trial.

In general, observers were not permitted access to ostensibly open court proceedings. In April 2003, the Government physically prevented foreign diplomats from attending the trial of alleged regime opponents; however, in May, diplomats attended the property trial of Dunya Yklimova Mahtimagamedova.

There were regular reports of individuals being arrested and requested to pay fines for breaking specific laws; however, when asked to see the law, Government officials refused.

At year's end, the Government held at least one political prisoner, Mukhametkuli Aimuradov.

The Government systemically failed to enforce the law with respect to restitution or compensation for confiscation of private property (see Section 1.f.).

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

The Constitution prohibits such actions; however, authorities frequently did not respect these prohibitions in practice. Laws restrict searches of private homes, though authorities violated these restrictions routinely during the year. There were credible reports that authorities forcibly searched the homes of suspected regime opponents, minority religious groups, and relatives of those suspected in the November 2002 attack. Unlike in previous years, no evictions occurred, but the threat persisted.

The law does not regulate the conduct of surveillance by the state security apparatus, which regularly monitored the activities of officials, citizens, opponents and critics of the Government, foreign diplomats, other foreign residents, and visitors. Security officials used physical surveillance, telephone tapping, electronic eavesdropping, and the recruitment of informers. There was one government-controlled Internet service provider. The Government monitored citizens' e-mail and Internet usage and cut service for accounts used to visit sensitive sites. Critics of the Government, and many other persons, reported that their surface mail was intercepted before delivery. Mail taken to the post office had to remain unsealed for inspection.

There was evidence that the Government monitored citizens' e-mails.

The Government engaged in forcible resettlement and stated its intention to do so on a broad scale. In April, families of dismissed Government officials lost their homes and were relocated to the Dashoguz Velayat. The 2003 decree for resettlement of residents in Dashoguz, Lebap, and Ahal Velayats to the northwest part of the country was partially implemented (see Section 5).

Unlike in the previous year, authorities did not dismiss children from school or remove adults from their jobs due to the political

activities of relatives. Those who left school or lost jobs in the previous year were not able to return to their education or positions.

During the year, the Government continued to demolish large numbers of private homes to make way for new construction in Ashgabat, including those to which residents had valid legal title, as part of an urban renewal program. Affected areas in the Ashgabat suburbs included Archabil, Bagir village, and Keshi. In some of the worst cases, the Government required evicted families to pay for removal of the rubble of their destroyed homes, reportedly gave persons as little as 12 hours to collect their belongings and vacate, and did not provide homeowners with alternate accommodations or compensation. Others were given 2 weeks notice to vacate and offered apartments or plots of land in compensation; however, such plots were often undeveloped and/or nonirrigated, resulting in the loss of livelihood for many. The Government justified the demolitions in some cases by asserting previous authorities gave land away illegally; therefore, those plots had to be returned to the state. In July, demolitions in the Ashgabat suburbs resulted in newly homeless individuals taking refuge in abandoned schools and prisons. The evictions also resulted in isolated public protests (see Section 2.b.) and the April 22 shooting in Rukhabat Etrap of local mayor Amansoltan Mahmedova by an evicted man.

A 2001 presidential decree prohibits foreigners or stateless persons from marrying citizens without meeting several requirements. The noncitizen must have been a resident of the country for a year, own a home, be at least 18 years of age, and must post a "divorce bond" of \$50,000 (1.1 billion TMM) with the Government. There were no reports of such marriages in the country under the law; however, there were reports that some individuals married abroad to bypass the law. The requirements were purportedly instituted to protect citizen spouses and children.

In a pattern of harassment of the relatives of Saparmurat Yklymov, who was convicted as one of the primary plotters of the November 2002 attack, law enforcement officers reportedly forcibly evicted Edzhebay Yklymov, his 75-year-old wheelchair-bound mother, who passed away in August, and several children in November 2002 and again on March 27. In August, his sister and two of her children were granted refugee status in Sweden.

Section 2

Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The Constitution provides for freedom of speech and of the press; however, in practice, the Government restricted freedom of speech and did not permit freedom of the press. Persons expressing views critical of or different from those of the Government were arrested on false charges of committing common crimes. Criticism of the Government could also lead to personal deprivation and abuse, including loss of opportunities for advancement and employment, and harassment.

In February, retired citizen Gurbandurdy Durdykuliev was forcibly detained in a psychiatric hospital after requesting permission from authorities to conduct a peaceful demonstration against President Niyazov's policies (See Section 1.c.). Durdykuliev remained incarcerated at year's end.

In the spring, the OSCE Representative on Freedom of the Media criticized the country's "absolute lack of any freedom of expression." The President, in response, was critical of the OSCE and its interference and supposed misrepresentation of the situation in the country. In July, the Government expelled the OSCE Ambassador by not renewing her mandate, although the OSCE maintained its mission in the country.

The Government funded almost all print media. The Government censored newspapers; approval from the Office of the President's Press Secretary was required for prepublication galleys. There were 22 newspapers published in Turkmen and only 1 official newspaper in Russian; the only major daily newspaper was printed in Turkmen and Russian. The major stories were identical in both papers while advertising and some content varied. Foreign newspapers, including Russian-language publications, from abroad were banned. To regulate domestic printing and copying activities, the Government required all publishing houses and printing and copying establishments to obtain registration licenses for their equipment. The Government required the registration of all photocopiers and mandated that a single individual be responsible for all photocopying activity.

All publishing companies were government-owned, and works by authors of fiction who wrote on topics that were out of favor with the Government were not published. The government controlled Union of Writers expelled members who criticized government policy, and libraries removed their works.

On August 19, the President dismantled the Ministry of Culture and Information to create a new Ministry of Culture and Television to promote the Government's cultural agenda, and a Radio Broadcasting and National State Press service, to supervise print media bodies. Observers feared the changes would allow more intense Government control of the media.

In February, two men were arrested for allegedly smuggling books into the country. They were sentenced to 5 years' probation.

The Government completely controlled radio and local television. There were four Turkmen TV stations, but satellite channels were prevalent. Owners of satellite dishes had access to foreign television programming, and use of satellite dishes was

widespread.

In July, the Government shut down the only Russian language news and radio service available and the country's main source of credible international information, Radio Mayak (Russian-owned), citing technical difficulties. A Turkmen language station quickly replaced Radio Mayak.

The Government required all foreign correspondents to apply for accreditation.

During the year, journalists were subject to arrest, harassment, intimidation, and violence, reportedly by government agents.

In January, members of the MNB forcibly abducted and beat an associate of a Radio Free Europe/Radio Liberty (RFE/RL) correspondent. The assailants repeatedly beat the man, threatened to kill him and demanded he cease contact with foreigners.

Journalists associated with RFE/RL were arrested. On February 28, 78-year-old Rakhim Esenov was arrested and charged with instigating social, ethnic, and religious hatred. On March 1, Ashyrguly Bayryev was arrested for smuggling novels into the country. He had previously been warned by authorities to end his relationship with RFE/RL. Former film director Khalmurad Gylychdurdyev was also detained and questioned about his work with the Radio. RFE/RL correspondents have been subject to arbitrary arrest and abuse in the past, including the 2003 abduction and torture of Saparmurat Ovezberdyev. In July, Ovezberdyev was released; he requested asylum overseas and was permitted to leave.

On April 30, Moscow-based Memorial Human Rights Center reported Radio Liberty correspondent Mukhametgeldy Berdyew was brutally beaten by the MNB after he filed a lawsuit against President Niyazov, charging that the President had plagiarized large segments of the Rukhnama. His apartment was ransacked, as was that of his son. The incidents took place in Moscow.

In June, the MNB detained a local correspondent for 3 days and demanded he sign a confession stating that he was passing government secrets to foreign powers.

The Government prohibited the media from reporting the views of opposition political leaders and critics, and it did not allow criticism of the President. Domestic journalists and correspondents for foreign news services engaged in self censorship due to fear of government reprisal.

The government-dictated focus of the media on the achievements of President Niyazov and his love of his people continued during the year and amplified his cult of personality. Criticism of officials was only permitted if directed at those who had fallen out of favor with the President, and public criticism of officials was done almost exclusively by the President.

On numerous occasions early in the year, the Government warned its critics and foreign diplomats against speaking with visiting journalists or other foreigners wishing to discuss human rights problems.

Intellectuals and artists reported that security officials instructed them to praise the President in their work and warned them not to participate in receptions hosted by foreign diplomatic missions. The Ministry of Culture's approval was required before plays opened to the public, ensuring against antigovernment or antipresidential content. Though classical music was still taught and performed throughout the country there was little or no government support for non Turkmen music.

While Internet access was available, government-owned Turkmen Telecom was the sole Internet provider. Internet access was prohibitively expensive for most citizens and service was poor. The Government worked with NATO's Silk Highway Project to introduce Internet services to a limited number of universities and allowed the Internet Access and Training Program (IATP) to operate throughout the country. In June, the Turkmen Telecom began blocking customers' access to RFE/RL's Turkmen Service website (www.azatradio.org); access was not restored by year's end.

During the year, the Government increased its already significant restrictions on academic freedom. It did not tolerate criticism of government policy or the President in academic circles, and it discouraged research into areas it considered politically sensitive, such as comparative law, history, or ethnic relations. No master's degrees or doctorates have been granted in the country since 1998. Government permission is required to study abroad and receive acceptance of foreign degrees earned. Since 2000, universities have reduced the period of classroom instruction from 4 years to 2 years in accordance with President Niyazov's declaration that higher education should consist of 2 years of classroom education and 2 years of vocational training. Governmental restrictions on instruction in non-Turkmen languages, limited availability of Turkmen language textbooks, and ongoing downsizing of secondary schools contributed to the declining quality of education.

In February, the President criticized correspondence courses and foreign diplomas, called for cleanliness and ethics in education, and announced plans to release a book of ethics for curricula in higher education.

Since September 2002, each child was required to bring to school a personal copy of the Rukhnama. Teachers were discouraged from bringing alternative viewpoints into the classroom. The works of several writers, poets, and historians were placed on a blacklist and withdrawn from public schools and libraries because their portrayal of Turkmen history differed from that of the Government. In September, a Rukhnama Volume II was published and teachers reported having to set aside more

time examining the Rukhnama rather than traditional academic subjects.

b. Freedom of Peaceful Assembly and Association

The Constitution provides for freedom of assembly; however, the Government restricted this right in practice. Permits were required for public meetings and demonstrations; however, authorities did not grant them. Nonregistered organizations, particularly those perceived to have political agendas, were not allowed to hold demonstrations.

In June, approximately 50 women assembled outside the local U.N. building in Ashgabat to request U.N. support against planned house demolitions. The MVD detained the women at the local Hakim's (Mayor) office; however, with the acting U.N. Head of Mission in attendance, the women were allowed to present their grievances to the Hakim and then were released.

In April, residents of Archabil, a suburb of Ashgabat, gathered at their local administrative office and blocked roads leading up to it to protest continued house demolitions. Authorities used troops to break up the demonstration. Ten or more people, including women, were arrested (see Section 1.f.).

It was unclear whether students from Turkmen State University, who were incarcerated for distributing leaflets criticizing the Government in 2002, remained in detention at year's end.

The Constitution provides for freedom of association; however, the Government restricted this right in practice. A 2003 law on public associations and NGO registration requires that all nongovernmental organizations (NGOs) register with the Ministry of Justice, criminalizes the operation of unregistered groups, and restricts the ability of foreign donors to provide grants and assistance to civil society groups by requiring that all foreign assistance be registered with the State Agency for Investment, Ministry of Justice, and coordinated through the Ministry of Foreign Affairs.

In July, the Government told diplomats that 89 domestic NGO groups and public associations had registered under restrictive rules adopted in 2003; however, Government representatives asserted that most groups were unable to operate due to lack of funding. Of the registered NGOs, only a handful were independent. While some groups reported good cooperation with the MOJ in the registration process, other NGOs reported difficulties registering with the Government, such as applications frequently being returned for technical difficulties or application materials not being released for first-time applicants. Despite the threat of criminal penalties, some NGOs found alternative ways to carry out activities, such as registering as businesses or subsidiaries of other, registered groups. Others considered themselves temporarily closed. At year's end, criminal penalties had been lifted.

No political groups critical of government policy were able to meet the requirements for registration. The only registered political party was the Democratic Party, the former Turkmen Communist Party. The Government did not prohibit membership in political organizations; however, in practice those who claimed membership in political organizations other than the Democratic Party of Turkmenistan were harassed.

Authorities have fired or threatened to fire supporters of opposition movements, removed them from professional societies, and threatened them with the loss of their homes. In addition, some citizens with links to foreigners were subject to official intimidation.

c. Freedom of Religion

The Constitution and the Law on Freedom of Conscience and Religious Organizations provide for freedom of religion; however, in practice the Government restricted these rights. There is no state religion, but the majority of the population is Sunni Muslim. The Government has incorporated some aspects of Islamic tradition into its efforts to redefine a national identity; however, the Government placed some restrictions on Muslims. In practice, the Government closely controlled and monitored all religious activities.

Some members of minority religions claimed that law enforcement officers tortured and abused their members. In particular, there was a credible report that five Jehovah's Witness conscientious objectors detained at the Seidi Labor Camp Prison were beaten by authorities and ordered to renounce their faith; however, in June, the Government released seven Jehovah's Witnesses from detention. During the year, reports of harassment declined significantly; however, Jehovah's Witnesses continued to experience sexual harassment, detention, interrogations, evictions, and pressure to abandon their beliefs. Some were forced to pay fines.

On September 5, Jehovah's Witnesses Gulkamar Dzhumayeva and Gulsherin Babkuliyeve were arrested while holding a private discussion with fellow citizens. Police officials hit Babkuliyeve on the head, sexually harassed her, and threatened to rape her. The women were held overnight without contact with their families and eventually released.

On November 12, Bilbil Kulyyeva was forcibly evicted from a hostel based on her religious affiliation with the Witnesses.

On January 14, President Niyazov signed a decree that further strengthened a 2003 law on religious organizations that provided a legal basis for the Government's systematic harassment of religious minority groups. The law required that all religious

organizations register, criminalized activities of unregistered religious organizations, and further restricted religious education. The legal system provided no safeguards to remedy violation of religious freedom or persecution by private actors. New rules set out in the decree included increased registration fees, the lifting of the requirement for the MOJ to publish a list of registered religious organizations, and the requirement that registration be completed in the Turkmen language.

In March, the Government published amendments to the religion law, scaling back the number of members required for registration from 500 to 5, and pledged to register all religious groups and adhere to international norms regarding the treatment of religious minorities. On May 13, President Niyazov signed two decrees removing criminal penalties and financial and reporting requirements from the law on religious organizations. In June, as a result of these legal changes, the Government registered the Sunni Muslims and Russian Orthodox Church as well as four minority religious groups: The Seventh Day Adventists, Baha'i, Baptists, and the Hare Krishnas.

Minority groups reported that harassment lessened since these changes in the law, and that the MOJ cooperated with some unregistered groups to provide assistance in the registration process. However, the registration process remained burdensome and subject to delays, and the Government continued to harass some registered and nonregistered religions during the year.

Nonregistered religious congregations were present in the country, such as Jehovah's Witnesses, Pentecostals, a separate group of Baptists, and Evangelical Christian groups among others; however, the Government restricted their activities. Nonregistered groups were officially prohibited from conducting religious activities.

Religious minorities such as the Jehovah's Witnesses were still actively discouraged and pressured to give up their beliefs. On March 10, Aleksandr Zorin, a Witness, was called to the Council for Religious Affairs (CRA) and pressured to abandon his faith or lose his job. He was dismissed from his work the following day.

Many groups, including registered religious groups, were unable to establish places of worship. During the year, authorities demolished a number of privately-operated mosques and refused to allow two Hare Krishna temples, a Seventh-Day Adventist church, and Christian denomination churches that had been either demolished or confiscated to be either rebuilt or returned.

The Government controlled the establishment of Muslim places of worship and limited access to Islamic education. In March, President Niyazov announced no more mosques would be built in the country. The government-supported Council on Religious Affairs (CRA) was part of the government bureaucracy and appeared to exercise direct control over the hiring, promotion, firing, and in some cases compensation, of both Sunni Muslim and Russian Orthodox clergy, although the Law on Religion does not include this role among the CRA's duties.

Some Muslim groups felt demolitions were conducted under the guise of preventing religious extremism, and to control religious teaching. In March, the Government closed three mosques, replaced the Imams with state appointees, and placed one Imam under house arrest for unspecified charges.

Also in March, Turkmenistan's respected former Chief Mufti was secretly tried and sentenced to 22 years in prison for his alleged role in the November 2002 attack and his failure to promote the Rukhnama.

Ethnic Turkmen who converted to Christianity were subjected to official harassment and mistreatment.

Foreign missionary activity is prohibited, although both Christian and Muslim missionaries were present in the country.

The Government attempted to restrict the freedom of parents to raise their children in accordance with their religious beliefs. There was no official religious instruction in public schools; however, students were required to study the Rukhnama at all public schools and institutes of higher learning. Extracurricular religious education was allowed only with CRA and presidential permission.

Only one institution of Islamic education remained open and the Government controlled the curriculum. All annual classes of religious students were limited to between 15 to 20 students a year.

Government supported mosques were required to keep copies of the Rukhnama. The President attempted to use these teachings in part to supersede other established religious codes, as well as historical and cultural texts, and thereby shape citizens' religious and cultural behavior. In November 2003, the MNB closed down a mosque that failed to place the Rukhnama on the same stand with the Koran for Friday prayer.

Religious literature is no longer published in the country. In August, members of two minority religious groups reported their members were questioned by police and had literature and other material confiscated. The material for one group was later returned. In December, a similar incident occurred when a member of a religious minority returned from overseas travel. The Government confiscated religious literature and materials, including Bibles.

Ethnic Turkmen members of unregistered religious groups accused of disseminating religious material received harsher treatment than members of other ethnic groups, particularly if they received financial support from foreign sources.

In January, the Government formally lifted an exit visa requirement; there were no reports of members of religious groups not being permitted to leave the country (see Section 2.d.).

During the year, the Government controlled the number of persons allowed to participate in the annual Muslim pilgrimage to Mecca (the Hajj), specifying that only 187 pilgrims would be allowed to journey to Mecca, out of the country's quota of 4,600 persons.

During the year, seven Jehovah's Witnesses were released from prison, where they were being held as conscientious objectors. The prisoners reported they were under constant pressure to renounce their faith and received harsher treatment. Three Jehovah's Witnesses remained imprisoned as conscientious objectors at year's end.

For a more detailed discussion, see the [2004 International Religious Freedom Report](#).

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

The Constitution does not provide for full freedom of movement; although the Government took steps to ease restrictions on freedom of movement, restrictions remained.

Citizens still carried internal passports, which were used primarily as a form of identification, rather than as a means of controlling movement. The Government maintained restrictions on travel to border cities and regions and maintained large parts of the country as restricted zones. Residence permits were not required, although the place of residence was registered and noted in passports. The Government confiscated the passports of political opponents to enforce internal exile during the year.

In January, the Government eliminated the exit visa requirement, following international pressure from the diplomatic corps, the OSCE, and the U.N. The elimination of the exit visa regime allowed the majority of citizens to travel abroad; however, the Government maintained a "black list" of those not allowed to travel. Some members of minority religious groups, regime opponents, relatives of those implicated in the November 2002, and those suspected of having "state secrets" were not permitted to leave the country.

The Government refused to allow some students selected for study abroad and exchange programs to participate in the programs.

Since 2002, there have been restrictions on citizens traveling to Iran and Uzbekistan, purportedly out of concern of narcotics trafficking and other smuggling. The Government charged a \$6.00 (132,000 TMM) fee for travel and required individuals to register their travel, indicating the reason and duration of the trip and whom they intended to visit.

The law permitted forced exile, and some individuals remained in forced exile; however the Government did not use forced and internal exile as punishment during the year. Numerous former ministers and government officials were dismissed from their positions, sent into internal exile, and remained under house arrest. The President proposed that the officials, who were sometimes accompanied by their families, could work off their sentences in exile. Almost all prominent political opponents of the Government chose to move to other countries for reasons of personal safety; none returned during the year.

Sazak Begmedov, who was forced to leave Ashgabat in late 2003 after his daughter founded the Turkmenistan Helsinki Foundation in Bulgaria, remained in internal exile at year's end.

Maral Yklymova, the daughter of one of the accused organizers of the November 2002, remained in Mary where she was regularly watched by Turkmen security officials and periodically had her passport confiscated. Although granted political asylum by Sweden, the Government has so far chosen to ignore the decision.

There were reports that authorities harassed ethnic Russians and confiscated their property to hasten their migration after the imposition of the 2003 Citizenship Law.

The Government discouraged emigration of ethnic Turkmen living in Iran, Iraq, Turkey and other countries and emigration of non-Turkmen from the former Soviet Union.

The law provides for the granting of asylum or refugee status in accordance with the 1951 U.N. Convention Relating to the Status of Refugees or its 1967 Protocol, and the Government has established a system for providing protection to refugees. In practice, the Government provided some protection against refoulement, the return of persons to a country where they feared persecution; however, the Government deported some ethnic Uzbek refugees to Uzbekistan in 2003. The Government granted refugee or asylum status to some ethnic Turkmen from Afghanistan. The Government also allowed some Tajik refugees and migrants to reside in the country. The Government cooperated with the office of the U.N. High Commissioner for Refugees and other humanitarian organizations in assisting refugees and asylum seekers. The Government also provided temporary protection to individuals who may not qualify as refugees under the 1951 Convention/1967 Protocol.

Since the beginning of international military operations in Afghanistan, the Government has agreed to increase its cooperation with the UNHCR, the International Organization for Migration (IOM), and other international refugee and relief agencies to assist refugees from Afghanistan. The Government also played an important role in facilitating the flow of humanitarian assistance to refugees who remained in Afghanistan.

Section 3

Respect for Political Rights: The Right of Citizens to Change their Government

Citizens could not freely choose and change the laws and officials that govern them. The Constitution declares the country to be a secular democracy in the form of a presidential republic. It calls for the separation of powers among the various branches of Government, but vests a disproportionate share of power in the presidency. In practice, the President's power over the state was absolute; despite the appearance of decision-making by consensus, most decisions were made at the presidential level.

There are two parliamentary bodies, a 50-member Parliament (Mejlis) and a People's Council (Halk Maslahaty) made up of 2,500 delegates. Parliament supported all presidential decrees. In 2003, a new law reduced the powers of the Parliament, making the People's Council the supreme legislative body and the President Chairman of the Council for life.

Parliamentary elections took place December 19. All candidates were members of the Democratic Party and were cleared by the authorities. Many citizens in contact with foreign diplomats had very little knowledge about the elections, including both the date and candidates' biographies. Foreign observers were not invited to monitor the elections. The Government reported a 76.8 percent turnout.

Elections for the People's Council and local council representatives took place in April 2003. Polling stations visited by foreign diplomats were nearly deserted, but the Government claimed that 99.8 percent of eligible voters participated. All candidates were members of the Democratic Party. Some voters reported that at the end of the election-day election workers went door-to-door asking people to vote and asked some to vote for other family members and neighbors. The People's Council, which included tribal elders, members of the Mejlis, and other state officials, fully supplanted the Mejlis in authority. It has the power to dissolve the Mejlis and was the primary forum where President Niyazov proposed and received immediate approval for his new laws.

A constitutional amendment gives President Niyazov the position as Chairman for life of the People's Council, giving him substantial authority to approve any potential successor.

A 1994 national referendum, which was neither free nor fair, extended the President's term to 2002, eliminating the need for the scheduled presidential election in 1997. A 1999 law allowed an exception to the constitutionally mandated maximum of two 5 year terms for President Niyazov, effectively conferring on him a lifetime term in office; the exception only applies to Niyazov, an honor as the country's first president. According to this arrangement, Niyazov effectively makes the laws and determines candidates for elections.

All political parties, other than the President's Democratic Party, are banned. The policy of the Democratic Party, according to its leadership, was to implement the policy of the President. Citizens swear a national oath of personal allegiance to President Niyazov in particular, rather than just to the presidency as a general institution.

There were 8 women in the 50-member Mejlis. Women were also represented in the 2,500-delegate People's Council. Women served in a few government positions, including Deputy Chair of the Mejlis, Acting Chairman of the Central Bank, Prosecutor General, Ambassador to the U.N., and a provincial governor (Hakim). Women often occupied the position of Deputy Hakim.

Preference was given to ethnic Turkmen in appointed positions in the Government but ethnic minorities occupied several high governmental positions. There was 1 ethnic Russian in the 50-seat Mejlis. Ethnic minorities were also represented in the 2,500-delegate People's Council. The largest tribe, the President's Teke tribe, held the most prominent roles in cultural and political life.

On July 12, the President acknowledged the existence of bribery and nepotism in university admissions. The President regularly fires administration officials for bribery.

There is no law that allows access to government information. There was a state website, although not all information is available and most individuals do not have access to the Internet.

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

There were no domestic human rights monitoring groups, and government restrictions on freedom of speech, press, and association severely restricted the ability of international organizations to investigate and criticize publicly the Government's human rights policies. With the exception of questions regarding religious freedom, officials were neither cooperative nor responsive to questions regarding alleged human rights abuses. During the year, diplomats engaged in dialogue with the Government on a number of religious freedom cases. In one case, confiscated literature was returned and local authorities

apologized. Several independent journalists based in Russia reported on human rights in the Russian press and had contact with international human rights organizations. On numerous occasions early in the year, the Government warned its critics against speaking with visiting journalists or other foreigners wishing to discuss human rights problems.

During the year, the Government declined to renew accreditation of the OSCE country director, accusing her of focusing on negative information.

During the year, the Government maintained pressure on nonpolitical social and cultural organizations. This included detention and routine summoning for questioning at security services. The Government monitored visits by embassy officers to NGOs and warned NGO leaders to limit contact with foreigners.

On April 29, members of the MNB beat Moscow-based RFE/RL correspondent and executive director of the human rights organization, Turkmen ili, Mukhametgeldy Berdyew, and ransacked his apartment (see Section 1.c. and 2.a.).

There were no international human rights NGOs with an ongoing permanent presence in the country; however, the Government permitted visits by international organizations, including the OSCE, UNHCHR, and the ICRC, and international human rights groups monitored the situation during the year. The OSCE maintained a mission in the capital of Ashgabat, although the OSCE ambassador was forced to leave during the year.

The Human Rights Institute, nominally headed by President Niyazov, oversaw the work of law enforcement agencies, the military and the judiciary, but it appeared to have little real authority. The National Institute for Democracy and Human Rights (IDHR) continued to receive complaints during the year. The Institute's mandate was to support the democratization of the Government and society and to monitor the protection of human rights. The Institute maintained four full time staff members to receive and resolve citizen complaints of arbitrary action. In principle, the Institute reviewed complaints and returned its findings to the individual and the organizations involved; however, the Institute was not an independent body, and its ability to obtain redress was limited.

Section 5 Discrimination, Societal Abuses, and Trafficking in Persons

The Constitution provides for equal rights and freedoms for all, independent of nationality, origin, language, and gender; however, violence against women and discrimination against ethnic minorities were problems.

Women

Domestic violence is prohibited by law; however, laws were not effectively enforced. Anecdotal reports indicated that domestic violence against women was common. The problem was not usually discussed in society, and it is assumed that the majority of victims of domestic violence kept silent, either because they were unaware of their rights or afraid of increased violence from their husbands and relatives. There were a few court cases and occasional references to domestic violence in the media. One official women's group in Ashgabat and several informal groups in other regions assisted victims of domestic violence.

The law states that rape, including spousal rape, is illegal. Penalties were between 3 to 25 years based on the violence associated with the rape and if the attacker is a repeat offender, and the Government generally enforced it effectively against civilians; however, persons held for religious offenses stated that authorities threatened to rape female family members if they continued their activities.

Prostitution is illegal; however, authorities did not enforce the law effectively and it was a growing problem, particularly in Ashgabat.

There was no law specifically prohibiting sexual harassment, and there were anecdotal reports from local employees that sexual harassment existed in the workforce.

Women were underrepresented in the upper levels of government-owned economic enterprises and were concentrated in health care, education, and service professions. In April, President Niyazov ordered the firing of 15,000 government health workers, the majority of whom were women, because of budget cuts. Women were restricted from working in some dangerous and environmentally unsafe jobs.

The law provided women the same inheritance and marriage rights as men, and this was generally respected in practice.

Some NGOs worked on women's issues. The Government did not acknowledge that women suffered discrimination and therefore had no specific program for rectifying their disadvantaged position in society.

Children

The Government's social umbrella covered the welfare needs of children; however, the Government did not take effective steps and did not have adequate resources to fully address the needs of children.

The Government provides 9 years of basic education. Girls and boys had equal access to education. Primary and secondary education was free and compulsory; however, class sizes continued to increase rapidly, facilities deteriorated, and funds for textbooks and supplies decreased. The Government stated approximately 95 percent of children between the ages of 7 and 16 attended school on a regular basis; however, a 2003 U.N. Development Program report listed school attendance at 81 percent. Girls comprised an estimated 49.1 percent of the student population. The amount of classroom time dedicated to learning the Rukhnama increased during the year, negatively affecting the overall quality of education. In September, Rukhnama II was introduced into the school curriculum, further reducing the time allotted to a traditional curriculum.

A 2000 presidential decree continued to reduce the number of teachers, which exacerbated the problems of already crowded classrooms and overworked teachers and further reduced the quality of education in the country.

During the year, the Government continued to downsize secondary schools, and limit courses taught in non-Turkmen languages, further degenerating the secondary school system and educational opportunities.

Poverty and healthcare problems led to a high rate of infant mortality. The Government invested in state of the art medical equipment and facilities; however, it did not invest in the training or budgeting of doctors or other medical personnel. From February to July, the Government dismissed approximately 15,000 nurses, replacing them with military conscripts untrained in administering medical treatment. There were a few reports of abuse of children, although there was no societal pattern of such abuse.

Child labor was a problem (see Section 6.d.).

Trafficking in Persons

The law does not prohibit trafficking in persons; however, there were no verifiable reports that persons were trafficked to, from, or within the country.

The Penal Code prohibits prostitution, which is punishable by 2 years' imprisonment or hard labor. The penalty for involvement of a minor in prostitution or using force, threat, or blackmail to involve someone in prostitution is 3 to 8 years' imprisonment. The penalty for procuring persons for prostitution is 3 to 8 years' imprisonment with the possibility of confiscation of property.

There were unconfirmed and anecdotal reports of women from the country traveling to Turkey, the United Arab Emirates, and other countries to work as prostitutes, some of whom may have been trafficked. There were no reports of trafficking within the country. NGOs noted that the problem is of concern in rural areas where economic opportunities are extremely limited.

The Ministry of Justice worked with foreign missions and with international organizations to establish public awareness of trafficking issues by participating in conferences and registering NGO groups that address the needs and vulnerabilities of potential victims. The Government also cooperated with foreign governments and international organizations to strengthen its borders, which may help prevent trafficking.

Persons with Disabilities

There was some discrimination against persons with disabilities in employment, education, access to health care, and the provisions of other state services. The Government provided subsidies and pensions for persons with disabilities, although they were inadequate to maintain a decent standard of living. Care for persons with disabilities was provided at the local level. Children with disabilities, including those with mental disabilities, were placed in boarding schools. They were provided with educational and future employment opportunities if their condition allowed them to work; in practice neither was provided.

Legislation requires that new construction projects include facilities to allow access by persons with disabilities; however, compliance was inconsistent, and older buildings were not accessible.

Although some societal discrimination existed, many citizens engaged in activities to assist persons with disabilities, including Special Olympics and Paralympics groups.

National/Racial/Ethnic Minorities

The Constitution provides for equal rights and freedoms for all citizens. Approximately 77 percent of the population was Turkmen; Uzbeks comprised 9 percent; and Russians 7 percent. There were smaller numbers of Kazakhs, Armenians, Azeris, and many other ethnic groups. Turkmen themselves are divided into five main tribes, the Teke, the Yomut, the Ersary, the Yasyr, and the Goklen. On March 11, President Niyazov signed a decree rescinding the previous numerical requirements for minority group registration; however, no minority groups had registered as result by year's end.

The 2003 decree for resettlement of residents in Dashoguz, Lebap, and Ahal Velayats to the northwest part of the country was partially implemented. Observers suggested the resettlement plan principally affected ethnic Uzbeks.

The Constitution designates Turkmen as the official language. It was a mandatory subject in school, although it was not necessarily the language of instruction. The Government closed most remaining Russian-language schools and continued to reduce classes taught in Russian to encourage use of the Turkmen language.

The Constitution also provides for the rights of speakers of other languages to use such languages. While Russian remained common in commerce and everyday life, the Government intensified its campaign to conduct official business solely in Turkmen. The Government reportedly gave ethnic minority employees at ministries deadlines to learn Turkmen, and dismissed some government employees for failure to learn the language. During the year, the Government required employees of ministries to pass tests demonstrating knowledge of the Rukhnama and dismissed those who failed.

Non-Turkmen complained that some avenues for promotion and job advancement were no longer open to them and only a handful of non-Turkmen occupied high-level jobs in the ministries. Non Turkmen were often the first targeted for dismissal when layoffs occurred. There was societal discrimination against ethnic minorities, specifically Russians.

Section 6 Worker Rights

a. The Right of Association

The Constitution provides for the right to form or join unions; however, in practice the Government does not permit independent unions. Under the Center for Professional Unions of Turkmenistan, led by a presidential appointee, there were numerous professional unions in most fields, including medical, construction, and banking. Some unions circumvented government restrictions on independent unions by registering as public associations (or NGOs), for example: the unions of accountants, economists, entrepreneurs, and leaseholders. The law does not prohibit antiunion discrimination by employers against union members and organizers; and there were no mechanisms for resolving complaints of discrimination.

b. The Right to Organize and Bargain Collectively

The law does not allow unions to conduct their activities without interference, and the Government controlled union activities. The law does not protect the right of collective bargaining. The law neither prohibits nor permits strikes, nor does it address the issue of retaliation against strikers. Strikes were extremely rare. There are no export processing zones.

c. Prohibition of Forced or Compulsory Labor

The Constitution prohibits forced or compulsory labor; however, there were reports that prisoners were forced to work under hazardous and unhealthy conditions in a kaolin mine in Gyzylgaya prison, near Dashoguz. The law provides for labor as a component of prison sentences; the prison system includes educational-labor colonies and correctional-labor colonies.

The Government prohibits forced and compulsory labor by children; however, local officials used children for cotton harvesting. Eyewitnesses in Dashoguz province reported that schools there were rotating students to the cotton fields for the harvest (see Section 6.d.).

d. Prohibition of Child Labor and Minimum Age for Employment

The minimum age for employment of children was 16 years; in a few heavy industries, it was 18 years. The law prohibits children between the ages of 16 and 18 years from working more than 6 hours per day (the normal workday was 8 hours). A 15 year-old child could work 4 to 6 hours per day but only with the permission of the trade union and parents. This permission rarely was granted. Child labor laws were not effectively enforced in practice.

On May 12, the President issued a decree against child labor, condemning the use of children for cotton harvesting. However, violations of child labor laws occurred in rural areas, particularly during the annual cotton harvest season. No action was taken by the state to prevent such activities. Local government officials strongly encouraged children to help in the cotton harvest; families of children who did not help could experience harassment by the local government officials. Children as young as 10 years of age were allowed to help with the harvest, and parents noted many were not provided with adequate accommodation, food, or compensation.

Classes were cancelled and children were reportedly pulled from schools to participate in the harvest. In some cases, local officials claimed that cotton belonged to schools and that the harvest was part of the school's program. Farms were not effectively mechanized, which required that the majority of the harvest be handpicked to meet state production goals.

e. Acceptable Conditions of Work

The minimum monthly wage in the state sector of approximately \$75 (1.5 million TMM) per month did not provide a decent standard of living for a worker and family.

The standard legal workweek was 40 hours with 2 days off. Individuals who worked fewer hours during the week or were in certain high-level positions could also work on Saturdays. The Labor Code states overtime or holiday pay should be double the regular payment; maximum overtime in a year is 120 hours and can not exceed 4 hours in 2 consecutive days. This law, however, is not enforced.

Industrial workers often labored in unsafe environments and were not provided proper protective equipment. Some agricultural workers were subjected to environmental health hazards. The Government recognized that these problems existed and took some steps to address them; however, it did not set comprehensive standards for occupational health and safety. Workers did not always have the right to remove themselves from work situations that endangered their health or safety without jeopardy to their continued employment.